



Senate

General Assembly

February Session, 2012

File No. 430

Senate Bill No. 443

Senate, April 16, 2012

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING ILLEGAL ELECTRONIC MONITORING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2012*) (a) As used in this
2 section:

3 (1) "Electronic monitoring device" means an electronic or
4 mechanical device, including, but not limited to, a global positioning
5 system device, that permits a person to remotely determine or track
6 the position and movement of another person. "Electronic monitoring
7 device" includes, but is not limited to, a device in a cellular radio
8 telephone, as defined in section 53a-187 of the general statutes, that
9 permits a person to remotely determine or track the position and
10 movement of the person in possession of the cellular radio telephone;

11 (2) "Fleet vehicle" means (A) one or more motor vehicles owned by a
12 single person and operated by employees or agents of the person for
13 business or governmental purposes, (B) motor vehicles held for lease
14 or rental to the general public, or (C) motor vehicles held for sale by a

15 new motor vehicle dealer or used motor vehicle dealer licensed in
16 accordance with section 14-52 of the general statutes; and

17 (3) "Person" has the meaning provided in section 53a-3 of the
18 general statutes.

19 (b) A person is guilty of illegal electronic monitoring when such
20 person installs, places or uses an electronic monitoring device, or
21 causes an electronic monitoring device to be installed, placed or used,
22 to track the location of any person without the consent of the person.

23 (c) The provisions of this section shall not apply to the installation,
24 placement or use of an electronic monitoring device by:

25 (1) A law enforcement officer, an employee of the Judicial
26 Department, Department of Correction or Department of Motor
27 Vehicles or an employee of any other state agency when such officer or
28 employee is engaged in the lawful performance of official duties and in
29 accordance with state or federal law;

30 (2) (A) The parent or guardian of a minor when tracking the minor,
31 or (B) any person having custody or control, or providing supervision,
32 of a minor when tracking the minor to the extent authorized by the
33 parent or guardian of the minor;

34 (3) A guardian or conservator of a person when tracking the person
35 pursuant to specific authorization of the court that appointed the
36 guardian or conservator;

37 (4) The owner of fleet vehicles when tracking such vehicles; or

38 (5) A certified telecommunications provider to the extent that such
39 installation, placement or use is disclosed in the provider's written
40 terms of use, privacy policy or similar document made available to the
41 consumer.

42 (d) Illegal electronic monitoring is a class A misdemeanor.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2012</i>	New section
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JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Judicial Dept.	GF - Potential Revenue Gain	Indeterminate	Indeterminate

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes illegal electronic monitoring a Class A misdemeanor and could result in a potential revenue gain to the extent that people are charged with the new crime. As no data is currently collected on this offense, the total revenue impact can not be determined.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**SB 443*****AN ACT CONCERNING ILLEGAL ELECTRONIC MONITORING.*****SUMMARY:**

Subject to certain exceptions, this bill makes it a class A misdemeanor to install, place, or use a cell phone, global positioning system (GPS), or other electronic monitoring device, or cause such actions to be done, to track another person's location without the person's consent. Class A misdemeanors are punishable by up to one year in prison, up to a \$2,000 fine, or both.

The bill does not apply to the installation, placement, or use of electronic monitoring devices by:

1. law enforcement officers, or employees of the Judicial Department, Department of Correction, Department of Motor Vehicles, or other state agencies, when the officer or employee is performing official duties in accordance with state or federal law;
2. a minor's parent or guardian, when tracking the minor;
3. someone with custody or control of, or providing supervision of, a minor, when tracking the minor as authorized by the minor's parent or guardian;
4. someone's court-appointed guardian or conservator, when tracking the person pursuant to the appointing court's specific authorization;
5. an owner of fleet vehicles, when tracking the vehicles; or
6. a certified telecommunications provider, to the extent that its

installation, placement, or use of an electronic monitoring device is disclosed in the provider's written terms of use, privacy policy, or similar document available to the consumer.

The bill specifies that it applies to both individuals and entities, subject to the exceptions set forth above.

EFFECTIVE DATE: October 1, 2012

DEFINITIONS

The bill defines an electronic monitoring device as a GPS or other electronic or mechanical device that allows someone to remotely determine or track someone else's position and movement. This includes a device in a cellular radio telephone that allows someone to remotely determine or track the position and movement of the person who has the phone.

The bill defines fleet vehicles as motor vehicles:

1. owned by a single person and operated by the person's employees or agents for business or governmental purposes,
2. held for lease or rental to the public, or
3. held for sale by a licensed new or used motor vehicle dealer.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 32 Nay 13 (03/28/2012)